



Electronically Filed April 10, 2008
-------------------------------------

1 Susan M. Freeman (AZ Bar No. 4199) *pro hac vice*  
 2 Rob Charles (NV Bar No. 6593)

3 Anne M. Loraditch (NV Bar No. 8164)

4 **LEWIS AND ROCA LLP**

5 3993 Howard Hughes Parkway, Suite 600

6 Last Vegas, Nevada 89169

7 Telephone (702) 949-8200

8 Facsimile (702) 949-8398

9 Email: sfreeman@lralw.com

10 rcharles@lrlaw.com

11 aloraditch@lrlaw.com

12 *Attorneys for USACM Liquidating Trust*

13 **UNITED STATES BANKRUPTCY COURT**

14 **DISTRICT OF NEVADA**

15 In Re:

16 USA COMMERCIAL MORTGAGE  
 17 COMPANY,

18 USA CAPITAL REALTY ADVISORS, LLC,  
 19 USA CAPITAL DIVERSIFIED TRUST DEED  
 20 FUND, LLC, USA CAPITAL FIRST TRUST  
 21 DEED FUND, LLC, USA SECURITIES, LLC,  
 22 Debtors.

23 **Affects:**

24 ☐ All Debtors

25 ☒ USA Commercial Mortgage Company

26 ☐ USA Capital Realty Advisors, LLC

☐ USA Capital Diversified Trust Deed Fund,  
 LLC

☐ USA Capital First Trust Deed Fund, LLC

☐ USA Securities, LLC

Case No. BK-S-06-10725-LBR

Case No. BK-S-06-10726-LBR

Case No. BK-S-06-10727-LBR

Case No. BK-S-06-10728-LBR

Case No. BK-S-06-10729-LBR

**CHAPTER 11**

Jointly Administered Under

Case No. BK-S-06-10725 LBR

**STIPULATION TO EXTEND  
 DEADLINE TO FILE COMPLAINT  
 TO AVOID AND RECOVER PRE-  
 PETITION TRANSFERS PURSUANT  
 TO 11 U.S.C. §§ 547, 548 AND 550**

USACM Liquidating Trust (the "Trust"), and Purdue Marion & Associates  
 ("Purdue Marion," together with the Trust, the "Parties"), by and through their  
 undersigned counsel, hereby stipulate to extend the deadline for the Trust to file a

///

///



1 complaint to avoid and recover pre-petition transfers pursuant to 11 U.S.C. §§ 547, 548,  
2 and 550 (the “Stipulation”) against Purdue Marion. In support of this Stipulation, the  
3 Parties state as follows:

4 1. The Trust asserts that it has claims against Purdue Marion for the avoidance  
5 and recovery of preferential and/or fraudulent pre-petition transfers (the “Transfers”)  
6 received from USA Commercial Mortgage (“USACM”) by Purdue Marion during the 90-  
7 day period preceding the filing of USACM’s chapter 11 bankruptcy case on April 13,  
8 2006 (the “Petition Date”).

9 2. On February 12, 2008, in pursuit of its avoidance claims, the Trust made  
10 demand upon Purdue Marion for the return of the Transfers. Counsel for Purdue Marion  
11 responded to the Trust’s demand detailing USACM’s historical payments to Purdue  
12 Marion. However, the Trust requires additional information.

13 3. The current deadline for the Trust to file a complaint to avoid and recover  
14 the Transfers, pursuant to 11 U.S.C. §§ 547, 548, and 550 (the “Complaint”), is April 12,  
15 2008.

16 4. In order for Purdue Marion to provide the Trust with additional information  
17 and so that the Trust should have sufficient time to analyze the information provided by  
18 Purdue Marion, the Parties have agreed that an extension of the deadline for filing a  
19 Complaint is warranted.

20 5. The Parties submit that an extension to Monday, May 12, 2008, of the  
21 deadline for filing a Complaint is reasonable and will effectively conserve the Court’s  
22 valuable resources and serve the efficiencies of this matter by facilitating the exploration  
23 of a resolution of the Trust’s avoidance claims against Purdue Marion.

24 ///

25 ///

26 ///



WHEREFORE, the Parties request that the Court enter an order approving this Stipulation and extending the deadline, to and including Monday, May 12, 2008, for the Trust to file a Complaint against Purdue Marion.

Respectfully submitted:

**LEWIS AND ROCA LLP**

**GONZALEZ SAGGIO & HARLAN LLP**

By /s/Susan Freeman  
Susan Freeman, Esq., *pro hac vice*  
Rob Charles, Esq.  
Anne M. Loraditch, Esq.  
3993 Howard Hughes Pkwy, Suite 600  
Las Vegas, Nevada 89169  
Telephone: (702) 949-8200  
*Attorneys for USACM Trust*

By /s/Nancy L. Allf  
Nancy L. Allf, Esq.  
411 East Bonneville Avenue, Suite 100  
Las Vegas, Nevada 89101  
Telephone: (702) 366-1866  
*Attorneys for Purdue Marion & Associates*

DATED 4/10/2008

DATED 4/10/2008